Supreme Court, U.S.
FILED
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JOSEPH F. SPANIOL, JR.
CLERK

No. 89-964

In The

Supreme Court of the United States

October Term 1989

RAYMOND J. MOSKAL

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

On A Writ Of Certiorari To The United States Court Of Appeals For The Third Circuit

JOINT APPENDIX

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Petition for Certiorari filed December 17, 1989
Certiorari granted March 19, 1990

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CR 88-00150-03

U.S. vs. MOSKAL, Raymond John Sr.

U.S. TITLE/ SECTION	OFFENSES CHARGED
18:371	Conspiracy to utter/possess or cause to be uttered or possessed a counterfeited or fporged security and interstate transportation of falsely made securities (In Re: 18:513, 2314 & 2) Count 1
18:2314 & 2	Interstate transportation of stolen/forged securities and aid & abet Counts 2 & 4
18:513 & 2	Utter, possess and cause to be uttered and possessed a counterfeit or forged security and aid & abet Counts 3 & 5

DATE 1988	DOCUMENT NO.	V. PROCEEDINGS
Sept. 13	1	**INDICTMENT** – 5 Counts.cc: Crt; USA; USM; Prob; Deft via USM
Oct. 25	4	MIN SHT – of R/5. Deft present w/o cnsl. Govt. recommends ROR w/app. bnd. Mag. sets bail at $10,000 unsec. w/app. bnd. Deft executes bail papers & ordered released after USM processing.
Oct. 25	5	ORDER – setting cond. of release. Deft to appear when/where directed. Deft to execute an unsec. bnd in amt of $10,000. Deft ordered released after USM processing. Deft executes same. cc: Ct; USM; USA; Prob; Deft; DEf Cnsl.

Nov. 10	12	MIN SHT NOT GUILTY – of Arr. Deft present w/cnsl. Deft enters plea of to the Indictmt. J/sel & trial set for 1/9/89, 9:30 - a.m. Bail Cont'd. M. Zamiska, Ct Rptr
1989		
January 9	20	MIN/ST – of 1st day to Jury selection/ jury trial; Deft present w/counsel: Jury selected & sworn. Trial begins.
January 9	21	RECORD – of Jury Panel. Jurors challenged and selected.
January 10	22	MIN/ST – of 2nd day of jury trial: deft present w/counsel: Govt Cont'.
January 11	23	MIN/ST – of 3rd day of jury trial. Govt rests. Deft moves for jdmt. of acquittal & denied by Ct. Defts rest their case without presenting testimony. closing arguments made.
January 12	24	MIN/ST – of 4th day of jury trial: Court charges the jury as to the law. Jury returns verdict at 3:10 p.m. of guilty on all counts. Court advises defts as to the right to file post trial motions within 7 days. PSI ordered. Govt recommends the defts have random drug testing. The Ct. directs the govt to file mot regarding amendment to bail conditions. Bail in all respects is continued. Sent set for 3/3/89. Time to be set later.
January 12	26	VERDICT – We the jury find the deft Raymond J. Moskal Guilty on Count 1, Guilty on Count 2, Guilty on Count 3, Guilty on Count 4 and Guilty on Count 5.

Mar 20	33	– VOLUNTARY SURRENDER FOR SERVICE OF IMPR-Deft to surrender himself to AG on 4/24/89 at 1:00 p.m. (CALD) Orig-Sec. Copies to AUSA Daniel, Prob., Marshal, deft, crt.
Mar 22	34	– JDMT – (JUDGE CALDWELL SIGNED ON 3/20/89) – CTS 1,2,3,4,5 guilty verdict. CT 1 deft committed CAG or authorized rep impr (6) months. CT 2 committed CAG impr (2) years. Execution of that sent as to impr only is suspended & deft placed prob (3) years to commence upon release from confinement in CT 1. Deft to conduct himself as a law-abiding, industrious citizen complying with all special & general conditions of prob as prescribed by crt & as a special condition we direct deft perform 100 hours of community service work as directed by prob ofcr. Considering deft's financial condition & the prospects that he has we decline to order restitution. Further direct on CTS 3,4,5 sent same as that imposed in CT 2 & run concurrent with sent imposed in CT 2. No addl community service work however shall be required on thses (3) cts. Voluntary surrender date – 4/24/89. Purs to 18:3013 total $250.00 special assessment. $50.00 on CTS 1,2,3,4,5. to be paid w/in (10) days thru Clerk, Hbg. Crt orders commitment as a county jail reasonably near deft's residence as place of confinement & he be permitted to participate in Work Release Program of that Institution. (CALD) Orig-Sec. Copies to Daniel, Prob., Marshal, Moskal, Hart, Fine & Enforcement, Financial from Hbg.

March 20	35	– NOT/APPEAL – filed by deft order of D.C. entered on 3/20/89 to USCA. Cert copy of Not/Appeal, order being appealed, docket entries w/TL #1 to USCA. Cert copy of Not/Appeal w/TL #1 to Judge Caldwell, Daniel, Hart, deft, Marshal, Prob., Moncia Zamiska, Maria.

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	Criminal No.
	)	CR 88-00150-03
v.	)	
	)	
ALVIN C. DAVIS, JR.,	)	(Filed
DENNIS H. SMITH, and	)	Sept. 13, 1988)
RAYMOND JOHN MOSKAL, JR.	)	

INDICTMENT

THE GRAND JURY CHARGES:

COUNT I

Between December of 1984 and July of 1985, in the Middle District of Pennsylvania and elsewhere, the defendants,

ALVIN C. DAVIS, JR.,
DENNIS H. SMITH, and
RAYMOND JOHN MOSKAL, JR.

did conspire, unlawfully agree, combine and confederate with Curman Burl Dickens (hereinafter referred to as Buddy Dickens), Judy Lynn Dickens, Mark Angelo, Debra L. Blatz, John W. Blatz, and others known and unknown, to commit offenses against the United States, to wit; Counterfeit Securities of the States, Title 18, United States Code, Section 513, and Transportation of Fraudulent Securities, Title 18, United States Code, Section 2314, by altering odometer mileage figures on certificates of title for approximately 300 automobiles, by applying for and receiving new

Certified from the record
Date 9-14-88
Donald R. Berry, Clerk

Per /s/ Cheryl M. GilChrist
Deputy Clerk

"washed" Commonwealth of Virginia titles containing false, low odometer mileage figures for those automobiles, and by selling the vehicles with the new "washed" Virginia titles to third parties.

A. Introduction and Background

1. At all times material and pertinent to this Indictment, Buddy Dickens and Judy Lynn Dickens were residents of Portsmouth, Virginia. Buddy Dickens and DENNIS H. SMITH were the principle owner/operators of Buddy's Auto Sales, Chesapeake, Virginia, a wholesale car dealership licensed by the Commonwealth of Virginia.

2. At all times material and pertinent to this Indictment, ALVIN C. DAVIS, JR. was the owner/operator of Al Davis Enterprises, Incorporated, Manheim, Pennsylvania. Al Davis Enterprises was a wholesale car dealership licensed by the Commonwealth of Pennsylvania which did extensive business at the Manheim Auto Auction in Manheim, Pennsylvania.

3. At all times material and pertinent to this Indictment, RAYMOND JOHN MOSKAL, JR. was employed by Al Davis Enterprises, Incorporated, primarily functioning as its office manager/bookkeeper. As such, MOSKAL reported directly to ALVIN C. DAVIS, JR.

4. At all times material and pertinent to this Indictment, Mark David Angelo was a wholesale automobile dealer licensed by the State of New York under the name

of Performance Cars, Grand Island, New York. Like DAVIS, Angelo purchased and sold substantial numbers of automobiles at the Manheim Auto Auction, Manheim, Pennsylvania.

5. At all times material and pertinent to this Indictment, John W. Blatz and his wife, Debra L. Blatz, were residents of Lancaster County, Pennsylvania, who, in the early part of 1985, established DLB Business Consultants. The primary business of DLB Business Consultants was the preparation and processing of title applications for various wholesale and retail automobile dealers in New York, Pennsylvania, New Jersey, Maryland, Virginia, and the District of Columbia.

B. Objectives of the Conspiracy

6. The objectives of the conspirators were to purchase high-mileage motor vehicles, roll-back or "clock" the vehicles' odometers to substantially reduce their apparent mileage, to forge, alter, or otherwise falsify the odometer mileage figures appearing on the certificates of title pertaining to the rolled-back vehicles, to obtain new "clean", "laundered" or "washed" certificates of title for said rolled-back vehicles reflecting the false, low mileage, and to employ the new "washed" titles in subsequent sales of the rolled-back vehicles to third parties.

C. Overt Acts

The co-conspirators performed the following overt acts in furtherance of said conspiracy:

7. In approximately December 1984, DENNIS H. SMITH met with Buddy Dickens and Judy Lynn Dickens in Virginia and discussed their willingness to "wash" titles for certain Pennsylvania car dealers by applying for and obtaining new titles from the Commonwealth of Virginia under the name of Buddy's Auto Sales.

8. Thereafter, in approximately early January 1985, after consulting with SMITH, ALVIN C. DAVIS, JR. telephoned Buddy Dickens in Virginia, advising he was willing to pay Dickens $100 per title for his title laundering services. Dickens agreed and DAVIS advised he would be forwarding titles to him in Virginia via Federal Express. DAVIS explained that many of the titles to be "washed" would come from other dealers who would pay a fee to DAVIS for this service.

9. As a result, between January 14, 1985 and June 8, 1985, 37 Federal Express packages were sent to Buddy Dickens in Virginia from Al Davis Enterprises. Two other Federal Express packages were also sent to DENNIS H. SMITH in Virginia. These packages contained approximately 300 automobile titles with altered odometer figures.

10. Upon receipt of the packages, Judy Lynn Dickens prepared Commonwealth of Virginia title applications for the vehicles, listing the low, false odometer mileage appearing on the altered titles.

11. Judy Lynn Dickens submitted the title applications and supporting documents to offices of the Virginia Division of Motor Vehicles under the name of Buddy Auto Sales. Upon receipt of the new "washed" Virginia titles (usually for same day of submission), the titles were

returned to ALVIN C. DAVIS, JR. in Manheim via Federal Express or by personal delivery. On other occasions, new Virginia titles were forwarded directly to other individuals, including Mark Angelo, upon AL DAVIS' instructions.

12. Prior to returning the new "washed" Virginia titles to DAVIS, Judy Lynn Dickens maintained a handwritten log reflecting, among other information, the title number, the vehicle identification number (VIN), and the date each title was received from DAVIS. This log also contained the new Virginia title number, the low, false odometer mileage appearing on the Virginia title, and the date the new title was returned to DAVIS or otherwise delivered.

13. In return for these services, ALVIN C. DAVIS, JR. issued 17 checks drawn upon an account of Al Davis Enterprises, Inc. payable to Buddy Dickens between January and June 1985. These 17 checks totalled $22,421. Between February and April 1985, 12 checks were also drawn upon the Al Davis Enterprises' account, payable to DENNIS H. SMITH. These 12 checks totalled $7,9065. These monies were divided between SMITH and Buddy Dickens on a 50-50 basis.

14. On numerous occasions, DENNIS H. SMITH, Buddy Dickens and Judy Lynn Dickens traveled to Manheim, Pennsylvania to meet with ALVIN C. DAVIS, JR. and RAYMOND JOHN MOSKAL, JR. During these visits, numerous conversations were had with respect to the title wash scheme. Altered and "washed" titles were also exchanged and delivered.

15. On numerous occasions, Mark Angelo delivered altered automobile titles to ALVIN C. DAVIS, JR. for "laundering" through Buddy and Judy Lynn Dickens. DAVIS charged Angelo $150 per title for this service. On occasion, Angelo received the "washed" Virginia titles from DAVIS, on other occasions he received them directly from the Dickens in New York via Federal Express.

16. During the time period encompassed by the conspiracy, Debra Blatz delivered approximately 100 altered titles to RAYMOND JOHN MOSKAL, JR. for submission to the Dickens in Virginia. These titles were provided to Debra Blatz by various customers of DLB Business Consultants. For this laundering service, DAVIS charged John and Debra Blatz $100 per title. The Baltzes, in turn, charged their customers $125-150 per title.

17. Like Judy Lynn Dickens, Debra Blatz also maintained written records of these transactions. The "washed" Virginia titles were usually delivered to Debra Blatz by RAYMOND JOHN MOSKAL, JR.

18. After the rolled-back vehicles were sold to third parties, some of the Virginia titles were subsequently submitted to the Pennsylvania Bureau of Motor Vehicles in Harrisburg, Pennsylvania in connection with applications for new Pennsylvania titles. On these occasions, the false odometer mileage figures appearing on the "washed" Virginia titles were transferred to the new Pennsylvania titles.

19. The allegations set forth in Counts II through V of this Indictment are also hereby specifically incorporated herein as additional overt acts committed by the co-conspirator's in furtherance of said conspiracy.

All in violation of Title 18, United States Code, Section 371.

THE GRAND JURY FURTHER CHARGES:

For purposes of Counts II through V of this Indictment, the Grand Jury hereby specifically incorporates Count I by reference, as though fully set forth herein.

COUNT II

Between on or about March 11, 1985 and on or about March 29, 1985, in the Middle District of Pennsylvania and elsewhere, the defendants,

ALVIN C. DAVIS, JR.,
DENNIS H. SMITH, and
RAYMOND JOHN MOSKAL, JR.

did, with unlawful and fraudulent intent, transport and cause to be transported in interstate commerce from Virginia to the Pennsylvania Bureau of Motor Vehicles in Harrisburg, Pennsylvania, a falsely made, forged and altered security, to wit; a Commonwealth of Virginia Certificate of Title No. 34512156 for a 1984 Ford bearing vehicle identification number 2FABP23R3EB182833, knowing said title to have been falsely made, forged and altered, in that said title bore a false odometer figure of 18,174 miles when, in fact, the true mileage was at least 52,000 miles, and did aid and abet same.

All in violation of Title 18, United States Code, Sections 2314 and 2.

THE GRAND JURY FURTHER CHARGES:

COUNT III

On or about March 29, 1985, in the Middle District of Pennsylvania and elsewhere, the defendants,

ALVIN C. DAVIS, JR.,
DENNIS H. SMITH, and
RAYMOND JOHN MOSKAL, JR.

did, knowingly and willfully, utter, possess and cause to be uttered and possessed, a counterfeit and forged security of a State, to wit; a Commonwealth of Virginia Certificate of title No. 34512156 for a 1984 Ford bearing vehicle identification number 2FABP23R3EB182833, at the Pennsylvania Bureau of Motor Vehicles, Harrisburg, Pennsylvania, in that said title bore a false odometer figure of 18,174 miles when, in fact, the true mileage was at least 52,000 miles, with the intent to deceive another person, organization and government, and did aid and abet same.

All in violation of Title 18, United States Code, Sections 513 and 2.

THE GRAND JURY FURTHER CHARGES:

COUNT IV

Between on or about March 21, 1985 and on or about April 2, 1985, in the Middle District of Pennsylvania and elsewhere, the defendants,

ALVIN C. DAVIS, JR.,
DENNIS H. SMITH, and
RAYMOND JOHN MOSKAL, JR.

did, with unlawful and fraudulent intent, transport and caused to be transported in interstate commerce from

Virginia to the Pennsylvania Bureau of Motor Vehicles in Harrisburg, Pennsylvania, a falsely made, forged and altered security, to wit; a Commonwealth of Virginia Certificate of Title No. 34732332 for a 1982 Mazda bearing vehicle identification number JH1GB2215C0616873, knowing said title to have been falsely made, forged and altered, in that said title bore a false odometer mileage figure of 42,703 miles when, in fact, the true odometer mileage was at lease 72,000 miles, and did aid and abet same.

All in violations of Title 18, United States Code, Sections 2314 and 2.

THE GRAND JURY FURTHER CHARGES:

COUNT V

On or about April 2, 1985, in the Middle District of Pennsylvania and elsewhere, the defendants,

ALVIN C. DAVIS, JR.,
DENNIS H. SMITH, and
RAYMOND JOHN MOSKAL, JR.

did, knowingly and willfully, utter, possess and cause to be uttered and possessed, a counterfeit and forged security of a State, to wit; a Commonwealth of Virginia Certificate of Title No. 34732332 for a 1982 Mazda bearing vehicle identification number JH1GB2215C0616873, at the Pennsylvania Bureau of Motor Vehicles, Harrisburg, Pennsylvania, in that said title bore a false odometer mileage figure of 42,703 miles, when, in fact, the true mileage was at least 72,000, with the intent to deceive another person, organization and government, and did aid and abet same.

All in violation of Title 18, United States Code, Sections 513 and 2.

/s/ Joseph W. Fry
FOREPERSON

September 13, 1988
DATE

/s/ James J. West
JAMES J. WEST
United States Attorney

(p. 489) As to the substantive offenses charged in the (p. 490) indictment the indictment charges each defendant with two counts of causing or aiding and abetting the interstate transportation of a falsely made, forged and altered security in violation of federal law. That section provides that whoever with unlawful or fraudulent intent transports in interstate commerce any falsely made, forged or altered security knowing the same to have been falsely made, forged or altered is guilty of an offense.

In order to establish the offense of interstate transportation of falsely made, forged or altered securities the government must prove beyond a reasonable doubt: 1. That the security described in the indictment was falsely made, forged or altered; 2. That the defendant whom you are considering transported or caused or aided or abetted the transporation of that security in interstate commerce; 3. That each defendant whom you are considering knew the security was falsely made, forged or altered and that each defendant acted with a fraudulent intent.

I instruct you as a matter of law that the certificates of title for the two vehicles named in the indictment are securities for the purpose of this statute.

I further instruct you that under the law an automobile title which contains a false or altered mileage figure on it is a falsely made or altered security.

If you find that the securities in question were (p. 491) falsely made, then you must determine whether the defendants transported the securities in interstate commerce or caused them to be transported or aided and abetted their transportation. That is, you must determine

whether because of the defendants' actions the securities were transported from one state to another.

The defendants need not have intended or known or the securities transport in interstate commerce nor is it required that the defendants actually have physically transported the securities across state lines. The government satisfies its burden of proving transportation in interstate commerce if it proves beyond a reasonable doubt that the defendants knowingly and willfully caused the securities transport across state lines or performed a substantial step in furtherance of their journey.

In addition you must consider whether the defendants or any one of them acted with a fraudulent or unlawful intent.

To act with a fraudulent or unlawful intent means simply that the defendant acted with an evil motive. That his purpose was to intentionally and deliberately violate the law.

The indictment also charges each defendant with two counts of making, uttering and possessing or causing to be made, uttered and possessed counterfeited and forged securities of a state with intent to deceive another person (p. 492) in violation of the law.

The law provides that whoever makes, utters or possesses a counterfeited security of a state or a forged security of a state with intent to deceive another person shall be guilty of an offense.

In order to establish this offense the government must prove beyond a reasonable doubt that the state securities described in the indictment were forged or

counterfeited; that the defendant or any of them made, uttered or possessed the certificate or caused or aided or abetted the same; that the defendant you are considering knew the state securities were forged or counterfeited and that the utterance, possession of that security was intended to deceive another person.

I instruct you again as a matter of law that the certificates of title for the vehicles names in the indictment are securities for the purposes of this statute.

I further instruct you under the law that an automobile title which contains false mileage information on it is a counterfeited security under the law.

If you find that the car titles in question were forged or counterfeited, then you must determine whether the defendants or any of them made, uttered or possessed the title in question. If you find that a defendant did, then you must determine whether or not that defendant knew that the (p. 493) car titles were forged or counterfeited and whether he acted intending to deceive another person.

You will note that the indictment charges that the offenses were committed on or about certain dates. The proof need not establish with certainty the exact date of the alleged offenses. It is sufficient if the evidence in the case establishes beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged.

Each defendant is charged in conspiracy and two counts of what are known as substantive crimes under the law. The substantives crimes, as I have just outlined,

are the making, uttering and possessing of countfeited or forged state securities and causing the interstate transporation of those securities.

You will have to decide if any defendant personally committed a substantive offense, and you may also find a conspirator guilty of a substantive crime charged against him even though he did not personally participate in the acts constituting the substantive crime or did not have actual knowledge of it.

* * *

(p. 497) THE COURT: I want the record to show that I reviewed at side bar a few objections that all of the (p. 498) defendants wished to put on the record through Mr. Garber. Mr. Garber

MR. GARBER: Your Honor, regarding the substantive counts of which the Court instructed, 2314 and 513, the terms forged and falsely made and counterfeited have specific legal definitions; and we felt that the Court – that the jury should have been instructed as to what those terms mean, specifically counterfeited as defined as a document that is purported to be genuine but is not because it has been falsely made or manufactured in its entirety. And our contention was that the Virginia, Commonwealth of Virginia, titles were not counterfeit documents and that the jury should have been – we argued that, and the jury should have been given the definition so that they could independently come to the conclusion as to whether or not the documents were counterfeited.

THE COURT: Okay. Well, we discussed that and your objection is noted.

MR. GARBER: The other objection we have is that the term forged or falsely made should have been defined to the jury; and within the legal definition in this particular case that forged is a document that purports to be genuine but is not because it has been falsely altered, completed, signed or endorsed or contains a false addition thereto or insertion thereon or a combination of the parts.

(p. 499) THE COURT: Okay. I made the same ruling on that.

MR. GARBER: And our contention was that the Virginia titles, as we argued, was not and that the jury should have considered the evidence in light of the definition. So we do object to that.

We also object to the Court telling the jury that a title containing a false mileage, odometer mileage, is as a matter of law a false or forged document. We believe that the jury must make that determination.

THE COURT: Okay.

MR. GARBER: And we contend it's not a matter of law and we cited case authority at the time we argued our motion. So those are the exceptions to the substantive counts.

THE COURT: All right. They are filed by all defendants very well.

* * *

UNITED STATES DISTRICT COURT
Middle DISTRICT OF Pennsylvania

UNITED STATES OF AMERICA

v.

Raymond John Moskal, Sr.
51 Maple Village, Box 432
Jessup, MD 20794

JUDGMENT IN A CRIMINAL CASE
(Filed March 20, 1989)
Case Number:
CR 88-00150-03

(Name and Address of Defendant)

Dennis Hart, Esquire
Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

([ ] guilty [ ] nolo contendere) as to count(s) _____, and
[ ] not guilty as to count(s) _____.

THERE WAS A:
([ ] finding [X] verdict) of not guilty as to count(s) 1, 2, 3, 4, 5 .

THERE WAS A:
([ ] finding [ ] verdict) of not guilty as to count(s) _____.

[ ] judgment of acquittal as to count(s) _____.

The Defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE (S) OF:

18:371	Conspiracy to utter/possess or cause to be uttered or possessed a counterfeited or forged security and interstate transportation of falsely made securities (In Re: 18:513, 2314 & 2)	Count 1
18:2314 & 2	Interstate transportation of stolen/forged securities and aid & abet	Cts. 2. 4

18:513 & 2	Utter, possess and cause to be uttered and possessed a counterfeit or forged security and aid & abet	Cts. 3, 5

IT IS THE JUDGMENT OF THIS COURT THAT: on Count 1 we direct that Mr. Moskal be committed to the custody of the Attorney General or his authorized representative for imprisonment for a term of 6 months. On count 2 we direct that he be committed to the custody of the Attorney General for a term of imprisonment of 2 years. The execution of that sentence as to imprisonment only, however, is suspended and we place Mr. Moskal on probation for a period of 3 years to commence upon his release from confinement in count 1. We also direct that he conduct himself as a law-abiding, industrious citizen complying with all special and general conditions of probation as prescribed by the court, and as a special condition we direct that he perform 100 hours of community service work as directed by the probation officer. Considering Mr. Moskal's financial circumstances and the prospects that he has we decline in this case to order restitution. We further direct on counts 3, 4 and 5 that the sentence be the same as that imposed in count 2 and to run concurrently with the sentence imposed in count 2. No additional community service work, however, shall be required on these 3 counts. Voluntary surrender – April 24, 1989.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

(1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;

(2) associate only with law-abiding persons and maintain reasonable hours;

(3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);

(4) not leave the judicial district without permission of the probation officer;

(5) notify your probation officer immediately of any changes in your place of residence;

(6) follow the probation officer's instructions and report as directed.

The court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of $250 pursuant to Title 18, U.S.C. Section 3013 for count(s) 1, 2, 3, 4, 5 as follows: $50 on each count for a total of $250 which sum shall be paid within 10 days through the Clerk of Court here in the Federal Building in Harrisburg.

IT IS FURTHER ORDERED THAT counts _____ are DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

[X] The Court orders commitment to the custody of the Attorney General and recommends: a county jail reasonably near Mr. Moskal's residence be designated as the place of confinement and that he be permitted to participate in the Work Release Program of that institution.

3-20-89
Date of Imposition of Sentence

/s/ William W. Caldwell,
Signature of Judicial Officer

William W. Caldwell, U.S. District Judge
Name and Title of Judicial Officer

3-20-89
Date

Certified from the record
Date 3/20/89
Donald R. Berry, Clerk

By/s/ Illegible
Deputy Clerk

RETURN

I have executed this Judgment as follows:

_____

_____

_____

Defendant delivered on _____ to _____ at
Date

_____, the institution designated by the Attorney General, with a certified copy of this Judgment in a Criminal Case.

_____
United States Marshal

By _____
Deputy Marhsal

_____